

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS
REGARDING PILOT COUNTIES FOR NEW VOTING SYSTEM**

Defendants Secretary of State Brad Raffensperger, State Election Board, and State Election Board Members (“State Defendants”) file this response to the Court’s July 30, 2019 Order directing State Defendants to identify the six Georgia counties chosen to participate in the pilot of the new voting system in the November 2019 elections.

Georgia law provides that “the Secretary of State is authorized to conduct pilot programs to test and evaluate the use of electronic ballot markers and ballot scanners in primaries and elections in this state.” O.C.G.A. § 21-2-300(a)(4). The Secretary of State’s Office currently plans for up to six (6) counties to pilot the new voting system in the 2019 November elections, as indicated in the State Defendants’ Supplement to their Response to this Court’s July 23, 2019 Order

[Doc. 556]. The pilot counties for the new voting system have not yet been selected. As a practical matter, the selection of pilot counties depends on circumstances yet to occur, such as candidate qualifying (which ends on August 19, 2019 for November 2019 elections). In many local elections, only one candidate qualifies. If no election is held because the only candidate is unopposed, the county is useless for piloting a new voting system.

State Defendants previously indicated that the preliminary list of counties to pilot the new voting system includes: Bacon, Bartow, Carroll, Catoosa, Charlton, Decatur, Evans, Lowndes, Paulding, and Treutlen. State Defendants currently plan for up to six of these counties to be pilot counties, although state law does not prevent other counties from being considered at a later time. *See* O.C.G.A. § 21-2-300(a)(4). For a variety of reasons, a county may no longer be a good fit for the pilot, including due to limits on county resources, limits on the delivery schedule, or simply not having any contested elections. For example, Gwinnett County was previously on the preliminary list of counties, but no elections are scheduled to be conducted by the county elections officials in November 2019 at this time.

For the above reasons, State Defendants cannot definitively identify the counties chosen to participate in the pilot of the new voting system in the

November 2019 elections. However, State Defendants will continue to keep the Court informed as counties are identified.

Respectfully submitted this 31st day of July, 2019.

/s/ Vincent R. Russo

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS REGARDING PILOT COUNTIES FOR NEW VOTING SYSTEM** has been prepared in Times New Roman, 14 pt., a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Vincent R. Russo
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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing **STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS REGARDING PILOT COUNTIES FOR NEW VOTING SYSTEM** with the Clerk of Court using the CM/ECF system, which will automatically send counsel of record e-mail notification of such filing:

This 31st day of July, 2019.

/s/ Vincent R. Russo
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